

**IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD**

(Special Original Jurisdiction)

WEDNESDAY, THE SEVENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

AND

THE HON'BLE Ms. JUSTICE : G.ROHINI

WRIT PETITION No. 6080 of 2004

Between:

Sri Satya Sai Enterprises, rep.by its Prop. Maddali Suresh,
S/o Ramalinga Swamy, R/o D.No.14-11-35, Upstairs,
Atchyutharamaiah Street, Hanumanpeta, Vijayawada,

Krishna District. PETITIONER

AND

1 Union of India, rep. by Ministry of Finance,
Shastri Bhavan, R.P.Road, New Delhi.

2 The UCO Bank, rep. by its Chairman and Managing Director,

Head Office. 10, B.T.M.Sarani, (Brabourne Road),
Calcutta - 700 001.

3 The UCO Bank, rep. by its Branch Manager, Congress Office Road,
Governorpeta, Vijayawada.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the
circumstances stated in the Affidavit filed herein the High Court will be pleased to

issue a Writ of Mandamus or any other appropriate Writ or Writs, Order or Direction, declaring the "Securitisation & Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002", more particularly Sections 13,15 & 34 thereof, as being unconstitutional, illegal, arbitrary and violative of Articles 14, 19(1)(g) and 300-A of the Constitution of India and consequently quash the Notice dated 01-07-2003 issued by the 3rd respondent and consequential Possession Notice dated 10-03-2004 of 3rd respondent, which was effected on 24-03-2004 when the residential house was locked by throwing the Petitioner on streets keeping the belongings along with casual wear inside the residential house and award costs.

For the Petitioner : Smt. K.NAGAMANI, Advocate

For the Respondent No.1 : Mr.A.RAJASHEKAR REDDY

(S.C. for Central Govt.)

For the Respondents 2 & 3 : Mr.RAAVINUTHULA V.S.R., Advocate

The Court made the following :

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ORDER: (per the Hon'ble the Chief Justice Sri Devinder Gupta)

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In view of the decision of the Hon'ble Supreme Court in Transfer Case (Civil) No. 92-95 of 2002, dated 8th April, 2004 [MARDIA CHEMICALS LTD v. UNION OF INDIA & ORS], challenge to the provisions of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 is not tenable and for that reason relief prayed for in this writ petition cannot be granted. Writ petition is, therefore, dismissed.

DEVINDER GUPTA, C.J

G.ROHINI, J

Dated: 7th July 2004.

NMR/DA

To

- 1 The Union of India, rep. by Ministry of Finance,
Shastri Bhavan, R.P.Road, New Delhi.
- 2 The Chairman and Managing Director, UCO Bank,
Head Office. 10, B.T.M.Sarani, (Brabourne Road),
Calcutta - 700 001.
- 3 The Branch Manager, UCO Bank, Congress Office Road,
Governorpeta, Vijayawada.
- 4 Two CD copies.